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Attorneys for Defendants Ellen Rosenblum, Brad Avakian, Kate Brown, Ben Cannon, Lynne Saxton

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BENJAMIN BARBER,

Plaintiff,

v.

MEAGAN VANCE in her personal capacity
and ELLEN ROSENBLUM, BRAD
AVAKIAN, KATE BROWN, BEN
CANNON, LYNNE SAXTON in their official
capacity,

Defendants.

Case No. 3:16-cv-02105-AC

DECLARATION OF JESSE B. DAVIS IN
SUPPORT OF STATE DEFENDANTS'
MOTION TO DISMISS

I, Jesse B. Davis, declare:

1. I am a Senior Attorney General at the Oregon Department of Justice, Trial Division, and the attorney of record for Defendants State of Oregon, Marie Atwood, Ellen Rosenblum, Brad Avakian, Kate Brown, Ben Cannon, and Lynne Saxton (collectively, "State Defendants"), in this matter.

2. Attached hereto and labeled as Exhibit 2 through 4 are true copies of documents related to *State of Oregon v. Barber*, Washington County Circuit Court Case No. 16CR46339, which were obtained by administrative staff in my office from the State of Oregon's electronic docket case system for circuit courts. They are described as follows:

- Exhibit 2 – Register of Actions from Case No. 16CR46339, as of April 26, 2017
- Exhibit 3 – Amended Judgment (Conviction)
- Exhibit 4 – Demurrer and Memorandum in Support of Demurrer

3. Attached hereto and labeled as Exhibits 4 and 5 are true copies of documents related to *State of Oregon v. Barber*, Oregon Court of Appeals Case No. A163786, in which Plaintiff appealed his conviction in Washington County Circuit Court Case No. 16CR46339. These documents were obtained by administrative staff in my office from the State of Oregon's electronic case management system for the Court of Appeals. They are described as follows:

- Exhibit 5 – Case Register from Case No. A163786, as of May 3, 2017
- Exhibit 6 – Order of Dismissal

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on May 4, 2017.

/s/ Jesse B. Davis

JESSE B. DAVIS

Senior Assistant Attorney General